

Maine Supreme Court  
205 Newbury Street  
Room 139  
Portland, Maine 04101

September 29, 2018

Dear Sir or Madam:

Following up on your request for public comments with regard to tribal gaming without state approval, let me respectfully say that tribal gaming in Maine with or without state approval would be catastrophic for the gaming industry in Maine and a very bad idea for Aroostook County.

Hollywood Slots in Bangor, Maine, has had multi-million dollar decreases in annual revenue ever since Oxford casino opened in Oxford, Maine. I stopped going to Hollywood Slots three years ago, because the action and security had gotten so bad. Now, with the projected opening of the mega-casino in Boston, Massachusetts, Oxford Casino is going to take a hit. There really isn't enough business for even two casinos in Maine, especially after the initial novelty wears off.

The enclosed computer print-out dated 4/17/2015, entitled, "Foxwoods Debt Default", is a classic example of how many of these tribal nations use their sovereign status to avoid paying debt running into the billions of dollars, by circumventing bankruptcy court because it does not apply to tribal situations in the same way it does to a commercial situation. In this case Foxwoods did not meet its U.S. Legal obligations and the default reached close to 5 Billion Dollars.

Further research on-line of tribal casinos in places like California revealed the slot payback to be less than 10% and the state having no legal recourse to access tribal records to protect the public. The two current casinos in Maine by comparison under state law have to pay-back a minimum of 89.9% of slot play to the bettor and I have been in Hollywood Slots in Bangor on numerous occasions when the state shut down a bank of slot machines because of pay-back discrepancies. Without state control this practice wouldn't exist with tribal gaming.

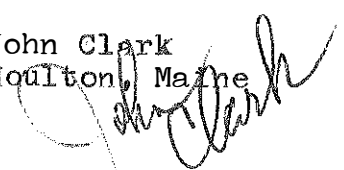
Continuing, as you may or may not know, Aroostook County, where the Houlton Band of Maliseet Indians plan to construct a casino on tribal lands, has been losing an average of 600 residents a year for decades, with the Town of Houlton losing more than 200 residents a year for the past several years. It is a mass exodus of people leaving the county. Houlton can't afford to be pipe-dreamed into providing support services for a tribal casino, which might go into default and invoke tribal sovereign immunity.

For your perusal, I have enclosed two pages of classified ads from the Houlton Pioneer Times and Presque Isle Star Herald showing just some of the numerous jobs available in Aroostook County, with no one to fill them. (The 48 full and part time job listings under TAMC (The Aroostook Medical Center) have been posted for more than six months!!!!!!

In closing, let me just say that it would behoove the Court to do a thorough background check of tribal Rep. Henry Bear, who by his own admission is a 17 year Coast Guard veteran, a lawyer, a stipend receiving member of a Canadian Indian Tribe, an Elver Fisherman and one who along with his wife Violette owe several years of back taxes to the Town of Houlton, Areal Walter Mitty...

( Please excuse the typos-I hurried to make the deadline). J.C.

John Clark  
Houlton, Maine



**Turtle Talk**

*Indigenous Law and Policy Center Blog  
Michigan State University College of  
Law*

**Bloomberg Report on Foxwoods Debt Default — Now \$1.45B**

Posted on August 28, 2009 by Matthew L.M. Fletcher

(EVENTUALLY REACHED \$5 BILLION)

From Bloomberg Report (miigwetch to K.C.):

**Foxwoods Casino Owner Said to Seek Debt Restructuring**

By Beth Jinks and Jonathan Keehner

Aug. 26 (Bloomberg) — Mashantucket Western Pequot Tribal Nation, owner of the Foxwoods Resort Casino, is seeking to restructure at least \$1.45 billion in debt as winnings dwindle, according to a person with knowledge of the situation.

A restructuring plan has been submitted to creditors and the Connecticut casino's owners have hired Miller Buckfire & Co., a New York investment bank, as an adviser, said the person, who declined to be identified because the talks aren't public.

Foxwoods, one of the largest casinos in the U.S. by gambling space, may become the biggest tribal casino company to default. The operation has lost business to the recession and competition from new casinos and racetracks with slot machine-style video-lottery terminals in nearby states. Slot revenue fell 13 percent in July, the casino said on Aug. 14.

"They can't do the types of things other debtors can in a restructure," Megan Neuburger, an analyst at Fitch Ratings in New York, said today in an interview. "Tribal casinos can't do a debt-for-equity swap. They can't raise cash by selling off assets on tribal land" to repay creditors.

Lori Potter, a Foxwoods spokeswoman, didn't respond to a call and e-mail seeking comment. The Day newspaper in New London, Connecticut, reported the restructuring efforts earlier.

Mashantucket has a \$700 million revolver loan due in July 2010, \$500 million in 8.5 percent bonds that mature in 2015 and \$250 million of 5.912 percent bonds due in 2021, according to data compiled by Bloomberg. It may have other debts as well.

**Unprecedented**

Standard & Poor's today cut its Mashantucket rating four steps to CCC and placed the debt on credit watch, citing the restructuring reports.

Creditors probably can't take over assets or operations of casinos on tribal land, which are sovereign nations, as they may with commercial bankruptcies, Neuburger said on a conference call. That leaves them little choice other than to restructure debts and work with the tribe, Neuburger said. No tribal casino has tested bankruptcy law.

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"Bankruptcy law does not apply to tribal situations in the same way it does to a commercial situation," Neuburger said.

Michael Thomas, chairman of the Mashantucket Pequot Tribal Council, told members that the tribal government would be paid first, before bankers or bondholders, The Day reported, citing an e-mail sent out last week.

The tribe has a payment due on its loan Sept. 1, said Lawrence Klatzkin, an analyst in New York at Chapdelaine Credit Partners, a unit of Chapdelaine & Co., a municipal bond broker.

### Equity First

"It might be posturing, but the tribe is indicating that it might put itself, the equity holder, ahead of the debt, ignoring corporate law," said Klatzkin. "It probably won't happen, but if it does, who's to say other tribes don't say, 'If Foxwoods doesn't need to meet its U.S. legal obligations, maybe I don't either.'"

Closely held Foxwoods, based in Ledyard, Connecticut, once competed only with Atlantic City for gamblers in the northeastern U.S. Today gamblers can also visit the Mohegan Sun casino, operated by the Mohegan Tribal Gaming Authority, 10 miles away in Uncasville, Connecticut, and slot casinos in Pennsylvania; Yonkers, New York; and Rhode Island.

Competition is expected to intensify when New York City's Aqueduct Racetrack expands and adds slots, and if states including Massachusetts allow casino gambling.

Located on tribal land in the hills of southeastern Connecticut, Foxwoods has three hotels and six casinos with more than 7,200 slots and 380 table games. The Mashantucket Pequots, described as native Algonquins, receive income from the earnings.

### Malaysian Investor

Malaysian investor Kien Huat initially helped finance Foxwoods, which opened a casino and hotel under the MGM Grand brand in May 2008.

Three smaller tribal gaming companies have missed loan obligations during the recession, Neuburger said. In New Mexico, Buffalo Thunder Resort & Casino and Inn of the Mountain Gods Resort & Casino, and in Michigan, Little Traverse Bay Band of Odawa Indians, have defaulted on bond payments.

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In "Author: Matthew L.M. Fletcher"

Foxwoods Debt News  
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Mohegan Sun Officials Assuage Financial Community  
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This entry was posted in [Uncategorized](#) and tagged [Buffalo Thunder Resort & Casino](#), [Foxwoods Resort Casino](#), [Inn of the Mountain Gods Resort & Casino](#), [Little Traverse Bay Band of Odawa Indians](#), [Mashantucket Western Pequot Tribal Nation](#). Bookmark the [permalink](#).

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# Court seeks input about weighing in on tribal gaming

9-26-18 HOULTON PIONEER TIMES

By Associated Press

AUGUSTA—Maine's top court is asking the public about whether it should weigh in the legality of tribal gaming without state approval.

Efforts to allow tribal casinos in Maine have been unsuccessful. The court is seeking written

arguments by Oct. 12 and responses by Oct. 26.

The Maine House last month passed tribal Rep. Henry Bear's order asking the Maine Supreme Judicial Court to consider the issue.

Bear wants Maine's top court to decide whether a U.S. Su-

preme Court decision would allow the Houlton Band of Maliseet Indians to conduct gambling on tribal trust land.

A 1987 U.S. Supreme Court decision lifted restrictions on tribal casinos. A 1988 federal law allows states to set rules for gambling.

"The time is right," Bear said previously. "I think the court will see this as the opportunity to help balance the relationship that has gone off the path and that they'll see this as saving lives [by funding public health programs] and helping to bring about healing."

[The other newspaper clippings submitted with this filing are not reproduced here. They are available for inspection at the Clerk's office.]